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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

In re Application of PUHAKKA et al
U.S. Application No.: 10/532,118
PCT Application No.: PCT/GB03/04577
Int. Filing Date: 23 October 2003
Priority Date Claimed: 23 October 2002
Attorney Docket No.: 12763/48501
For: FORMATION OF CONTACTS ON
SEMICONDUCTOR SUBSTRATES

DECISION

This is in response to applicant's "Renewed Petition to Accept Declaration Under CFR 1.47(a) and Response to Notice to File Missing Parts" filed 23 June 2006.

BACKGROUND

On 23 October 2003, applicant filed international application PCT/GB03/04577, which claimed priority of an earlier United Kingdom application filed 23 October 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 06 May 2004. The thirty-month period for paying the basic national fee in the United States expired on 23 April 2005.

On 21 April 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 September 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 05 April 2006, applicant filed a petition under 37 CFR 1.47(a).

On 19 May 2006, this Office mailed a decision dismissing the 05 April 2006 petition.

On 23 June 2006, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (2) and (3) above.

With regard to item (1) above, the declaration filed with the renewed petition is improper. Specifically, the declaration fails to list all of the inventors as required by 37 CFR 1.497(a)(3).

With regard to item (4) above, the renewed petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in ABANDONMENT of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459